IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.314 Of 2005.

Murlidhar & Others Vs. Dayal & Others

Date Of Order ::: 27.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Ajay Gupta, Counsel for defendant-appellants
Mr. Gaurav Gupta, Counsel for plaintiff-respondents

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondents filed a suit for cancellation of the sale-deed dated 06th October, 1987 as well as for permanent injunction, which was decreed by the Lower Court. The judgment and decree passed by the Lower Court has been affirmed by the first appellate Court also.

I have heard the learned counsel for both the parties and after considering their submissions in the light of the findings of both the Courts below

particularly in respect of finding of Issue No.4, I find that the controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of fact recorded by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.